

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-140566
	:	TRIAL NO. B-1102967
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
TIMOTHY HENDERSON,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant Timothy Henderson pleaded guilty to aggravated assault and was placed on community control. He was informed that a violation of the terms of his community control would result in an 18-month prison sentence. He later violated the terms of his community control on two separate occasions before the trial court revoked his community control for a third violation. Henderson was sentenced to 18 months in prison, with credit for time served.

In one assignment of error, Henderson claims that the trial court improperly imposed the maximum sentence. Pursuant to R.C. 2953.08(G), a reviewing court may only vacate or modify a sentence imposed by the trial court if the record does not support the mandatory sentencing findings or the sentence is otherwise contrary to law. *See* R.C. 2953.08(G)(2); *State v. White*, 2013-Ohio-4225, 997 N.E.2d 629, ¶ 11 (1st Dist.). The trial court was not required to make findings or to give reasons for imposing the maximum term of confinement. *See White* at ¶ 8. Therefore, we are limited to considering whether the imposition of the maximum sentence was contrary to law. This court has stated that

a sentence [is] not clearly and convincingly contrary to law where the trial court has considered the purposes and principles of sentencing set forth in R.C. 2929.11 and the seriousness and recidivism factors contained in R.C. 2929.12, properly applied postrelease control and imposed a sentence within the statutory range.

Id. at ¶ 12, citing *State v. Kalish*, 120 Ohio St.3d 23, 2008-Ohio-4912, 896 N.E.2d 124, ¶ 18.

The sentence imposed in this case was within the statutory range, and the record does not show that the trial court failed to consider the appropriate sentencing guidelines before imposing the maximum sentence. *See State v. Kennedy*, 2013-Ohio-4221, 998 N.E.2d 1189, ¶ 118 (1st Dist.) (we presume that a trial court properly considered the factors listed in R.C. 2929.11 and 2929.12 when a defendant fails to affirmatively demonstrate otherwise). And since the trial court properly imposed postrelease control, the imposition of the maximum prison term was not contrary to law. We overrule Henderson's sole assignment of error, and affirm the judgment of the trial court.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

CUNNINGHAM, P.J., DEWINE and MOCK, JJ.

To the clerk:

Enter upon the journal of the court on July 2, 2015
per order of the court _____.
Presiding Judge